

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**IN THE MATTER OF THE SEARCH OF
TWO CELLULAR TELEPHONES
DESCRIBED AS:** Blue Apple iPhone
SUBJECT TELEPHONE 1 (located in
RESTREPO'S front left pocket) AND
Black Apple iPhone **SUBJECT TELEPHONE 2**
(located in RESTREPO'S back right pocket),
currently in the custody of the DEA evidence
property room 36 E 7th Street Cincinnati, Ohio.

Case No. 1:22-mj-460

**Motion And Order Requesting Case To
Remain Sealed**

Now comes the United States Attorney and moves this Court, pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure, and the Court's inherent power to control papers filed with the Court, for an order requiring that all documents associated with the above-referenced case number, including this Motion and Order remain sealed until July 31, 2023 (pursuant to General Order 18-01) or until directed by this Court.

In support of this Motion, the United States Attorney states:

1. The case number referenced above relates to a complex investigation which involves covert investigative steps such as search warrants for electronic evidence. The investigation involves numerous targets. The full scope and nature of the investigation is unknown to the public. The case captioned above contains detailed factual statements about parts of the investigation or targets that are unknown. Unsealing these documents would hamper the government's ongoing grand jury investigation as detailed below.

2. There is an Indictment pending before this Court in United States v. Rafael Antonio Restrepo, case number 1:22-cr-065, which was filed on July 27, 2022.

3. The documents in this case relates to an ongoing investigation into several un-indicted co-conspirators that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation.

4. Pursuant to Rule 12 of the Federal Rules of Criminal Procedure the proper time for moving to suppress evidence obtained pursuant to the Court order is subsequent to the filing of an Indictment or Information and arraignment thereon. Therefore, no prejudice would be caused to any defendant or potential defendant by the granting of this motion.

5. The disclosure of certain information and statements contained in said documents filed under this case number would alert the targets to the existence, nature and full scope of an ongoing, covert criminal investigation involving sensitive techniques, and could lead to the destruction of evidence or endanger confidential sources and/or undercover agents involved in the investigation. Furthermore, public knowledge of the facts of the case through reporting of the contents of these documents would hamper the government's grand jury investigation, and would compromise agents' ability to covertly investigate the schemes and targets involved in suspected criminal activities. Good cause thus exists to grant the government's motion.

WHEREFORE, the United States of America respectfully requests that any documents related to the above case number, including this Motion and Order remain sealed until July 31, 2023 or until directed by this Court.

Respectfully submitted,

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s/Karl P. Kadon
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Upon the Motion of the United States Attorney and for good cause shown, it is

ORDERED that all documents filed under the above-referenced case number, including this Motion and Order remain sealed until July 31, 2023, and the Clerk is instructed not to unseal said documents filed under the above-case number, including this Motion and Order, until further order of this Court, or until July 31, 2023, whichever comes first.

Feb 1, 2023
DATE



Karen L. Litkovitz
United States Magistrate Judge

